

Application No.: 10/571,665  
Amendment and Response dated April 8, 2008  
Reply to Office Action of December 14, 2007  
Docket No.: 903-183 PCT/US  
Page 10

**Remarks/Arguments:**

**Introduction**

Claims 15, 18-35 and 38-46 are pending. Claims 16, 17, 36 and 37 have been canceled.

Claim 15 has been amended, *inter alia*, to include the limitations of previously presented claims 16 and 17. Claim 17 had been deemed to contain allowable subject matter by the examiner. Claim 15 has also been amended to delete the phrase "for example eggs". Following the amendments to claim 15, claims 22, 24, 26, 30, 35 have been amended to depend from claim 15 instead of claim 16.

Claim 20 has been amended, *inter alia*, to include the limitations of previously presented claim 36. Claim 36, which depended from claim 20, had been deemed to contain allowable subject matter by the examiner. Claim 20 has also been amended to delete the phrase "for example eggs".

Claim 28 has been amended, *inter alia*, to include the limitations of previously presented claim 37. Claim 37, which depended from claim 28, had been deemed to contain allowable subject matter by the examiner. Claim 28 has also been amended to delete the phrase "for example eggs".

Claim 38 has been amended, *inter alia*, to include the limitations of previously presented claims 16 and 17. Claim 38 relates to a sorting and packaging device which includes the conveyor device of claim 15. In line with the amendment to claim 15, the allowable features of claims 16 and 17 have been included in claim 38. Claim 38 has also been amended to delete the phrases "in particular eggs" and "for example eggs".

Claim 41 has been amended, *inter alia*, to include the limitations of previously presented claim 36. Claim 41 relates to a sorting and packaging device which includes the conveyor device of claim 20. In line with the amendment to claim 20, the allowable features of

Application No.: 10/571,665  
Amendment and Response dated April 8, 2008  
Reply to Office Action of December 14, 2007  
Docket No.: 903-183 PCT/US  
Page 11

claim 36 have been included in claim 41. Claim 41 has also been amended to delete the phrases "in particular eggs" and "for example eggs".

Claim 44 has been amended, *inter alia*, to include the limitations of previously presented claim 37. Claim 44 relates to a sorting and packaging device which includes the conveyor device of claim 28. In line with the amendment to claim 28, the allowable features of claim 37 have been included in claim 44. Claim 44 has also been amended to delete the objected to phrases "in particular eggs" and "for example eggs".

No new matter is introduced with these amendments. Entry of the amendments is respectfully requested.

#### **Allowable Subject Matter**

Claims 17, 21-27, 29-32 and 35-37 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed above, the independent claims have been amended to include allowable subject matter.

#### **Section 112 Rejections**

Claims 1-37 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite with respect to the use of the phrase "for example". Applicants respectfully submit that with the amendments presented herein, the Section 112 concerns are obviated.

Reconsideration and withdrawal of the Section 112 rejections are respectfully requested.

Application No.: 10/571,665  
Amendment and Response dated April 8, 2008  
Reply to Office Action of December 14, 2007  
Docket No.: 903-183 PCT/US  
Page 12

### **Section 102/103 Rejections**

Claims 15, 18, 19, 38 and 39 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by GB 297,230 to Brooks-King (hereinafter "Brooks-King"). Claims 15, 38 and 39 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US 3,272,309 to Reading (hereinafter "Reading"). Claims 28, 33, 34, 44 and 45 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US 4,273,649 to Leverett (hereinafter "Leverett"). Claims 15, 16, 20, 26, 27, 38-40 and 41-43 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US 3,127,172 to Troiano et al. (hereinafter "Troiano"). Claims 29 and 40 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Reading in view of Leverett. Claim 46 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Leverett.

Applicants respectfully submit that the amended claims, as indicated by the examiner, are patentably distinct over the applied references. Reconsideration and withdrawal of the Section 102/103 rejections are respectfully requested.

### **Summary**

Therefore, Applicants respectfully submit that independent claims 15, 20, 28, 38 41 and 44, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees

Application No.: 10/571,665  
Amendment and Response dated April 8, 2008  
Reply to Office Action of December 14, 2007  
Docket No.: 903-183 PCT/US  
Page 13

associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,

/ John S. SOPKO, Reg. # 41321 /  
John S. Sopko  
Registration No.: 41,321  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700